
DESCRIPTION OF CRIMINAL ACTIONS AND THE LEGAL CONSEQUENCES GIVEN AGAINST CRIMINAL ACTIONS

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ABSTRACT

Entering the era of digitalization, ease of access and effectiveness of work on the network it can be increasingly felt. With this, life exists increasingly instantaneous with the presence of knowledge and technology. Then on the side Apart from that, we also need to realize that there are many things that are increasingly complex arise. It is as if everything present on this earth is correlated with each other and also among one another with others without clarity between the boundaries of interaction permitted or prohibited. Then indirectly this causes crime to increase. Many crimes occurred making people more aware of the importance of protecting each other each individual. One form of protection is attachment to law. In Indonesia itself, law is a very fundamental thing regulate state life. Equivalent to Article 1 Paragraph 3 that is Indonesia is a state of law. This research article applies normative juridical research methods by examining library materials, namely primary and secondary legal materials. The data collection technique uses library research, by collecting data and information or legal materials related to the substance of the research. After the legal materials are collected, analysis is carried out and appropriate conclusions are drawn regarding the problems contained in the problem formulation. This research applies data analysis techniques using deductive logic. This conclusion is based on criminal regulations. Criminal problems are still widespread, this will be analyzed according to existing regulations, from a legal perspective in order to understand the essence and intent in resolving the legal problems discussed in this research.

Keywords: Crime, Sanctions, Action.

INTRODUCTION

Entering the era of digitalization, ease of access and effectiveness of work on the network it can be increasingly felt. With this, life exists increasingly instantaneous with the presence of knowledge and technology. Then on the side Apart from that, we also need to realize that there are many things that are increasingly complex arise. It is as if everything present on this earth is correlated with each other and also among one another with others without clarity between the boundaries of interaction permitted or prohibited. Then indirectly this causes crime to increase. Many crimes occurred making people more aware of the importance of protecting each other each individual. One form of protection is attachment to law. In Indonesia itself, law is a very fundamental thing regulate state life. Equivalent to Article 1 Paragraph 3 that is Indonesia is a state of law. So all the rules of conduct are regulated in detail in the law, both those that are of general interest in public law (criminal) and interests individuals in private (civil) law.

Then it can be known together that this is the law of human position as a legal subject is given priority. Apart from regulating behavior, the law also regulates the rights of humans themselves as legal subjects such as providing protection to crime victims. From the perspective of Criminal Law, the meaning of "crime victim" is a term for criminology and victimology², which later developed in criminal law and/or the criminal justice system. At a glance, the provisions regarding crime victims in the active law of the Indonesian criminal justice system include the provisions of Article 14 C paragraph (1) of the Criminal Code (KUHP) which reads: In full as follows:

"In accordance with the procedures regulated in article 14 bis, except in the case of the imposition of a fine, the judge together with the general conditions for the convict can impose special conditions under which the convict compensates for the losses caused by the crime, in whole or in part, as determined then, that is, less than the probationary period."

In today's developing reality, the function of law has become very vital, because it means that changes must be carried out in a planned manner. In order to provide direction to citizens, the government is increasing its influence on the population with the various tools it has. One of these tools is "criminal law". In criminal cases, authorities make certain actions into new crimes.

Crime is a social phenomenon because it cannot separate time and space. According to Van Hamel, a criminal act is a human act (*menselijke gerding*) which is determined by law (*wet*), is against the law, must be punished (*strafwaardig*) and is committed as a crime. The government of a country must be regulated by law and provide punishment for those who violate these laws. Law is a set of rules or rules for living together that can be enforced by means of punishment. This means that every individual must follow the rules set by the government within the framework of social and national life.

Moeljatno stated that criminal law is as follows:

- Ensure that any actions that are not carried out are opposed and accompanied by threats or fines in the form of special penalties for those who defy the prohibition.
- Determine when and for what reasons those who have violated the prohibition can be subject to or be punished as regulated.
- Ensure that any event involving criminals can be carried out if there is a party who is thought to have violated the prohibition.

In order to present citizens who are prosperous, just and prosperous materially and spiritually based on Pancasila and UU. The level of Indonesia's human resources as one of the national assets must continue to be developed.

Along with the progress of culture and knowledge, human behavior in society and state life becomes more complicated. Even these actions, from a legal perspective, are of course normative in nature and some can be labeled as violations of norms. Behavior that violates norms often causes legal problems and makes society miserable.

So we can all know that everything violates the provisions as it should be called a criminal act. There are types of criminal acts These are crimes and violations, formal offenses and material offenses, com offenses (*doleuseissionis*, *omissionis* offense, and *commissionis* offense per *omissionem commissa*, offense *dolus* and *culpa* offenses (*doleuse en culpose delicten*), single offenses and multiple offenses (*enkelvoudige en samengestelde delicten*), ongoing offenses and ongoing offenses does not continue (*voordurende en niet voordurende/aflopenden delicten*, offense complaints and non-complaint offenses (*klacht delicten en niet-klacht delicten*), economic offenses and not economic offenses, as well as minor crimes which will be discussed further in the description furthermore.

RESEARCH METHODS

This research article applies normative juridical research methods by examining library materials, namely primary and secondary legal materials.¹The data collection technique uses library research, by collecting data and information or legal materials related to the substance of the research. After the legal materials are collected, analysis is carried out and appropriate conclusions are drawn regarding the problems contained in the problem formulation. This research applies data analysis techniques using deductive logic. This conclusion is based on criminal regulations. Criminal problems are still widespread, this will be analyzed according to existing regulations, from a legal perspective in order to understand the essence and intent in resolving the legal problems discussed in this research.

¹ Khudzaiyah Dimiyati & Kelik Wardiono, 2004, *Metode Penelitian Hukum, Surakarta:Fakultas Hukum UMS*, hal. 4.

RESULTS AND DISCUSSION

A. Understanding Criminal Acts in Indonesia According to the Criminal Code

Referring to Molyatno in his book principles of criminal law, he defines the term criminal act as an action that is opposed to a legal provision, a prohibition which is followed by a threat or sanction in the form of a special crime, for anyone who opposes the prohibition. It could also be said that a criminal act is an act that is prohibited or punishable by a regulation, as long as it is remembered that the prohibition is directed at an act, namely a condition or event that is determined by the behavior. person. Meanwhile, the criminal threat is aimed at the person who caused it that incident. In a criminal act, there is authority or power cause and effect will be held responsible. On In essence, every act that is said to be a criminal act must occur above the factual or external elements of an action, the behavior and consequences caused too. Because it is usually due to certain actions as formulated with the elements above, the nature of abstinence is carried out This action seems normal. So if there is an action which violates the applicable values and norms, then this act is called a criminal offence.

Then, regarding determining what actions are labeled as criminal acts, a principle called the principle of legality or principle is adhered to of legality. Namely the principle that determines that every criminal act must be committed determined from a statutory regulation as mentioned above in Article 1 Paragraph 1 of the Criminal Code. And at least from a legal rule that already exists and applies to the defendant as stated in Article 14 Paragraph 2 temporary constitution. Before anyone can be sued for punished because of his actions later after someone is declared to have violated criminal offense then he will be threatened with criminal sanctions. This sanction depends on what actions were carried out and what losses were caused. With Thus it can be seen that we have to look at criminal law as an objective meaning so that it can be used as a means of instruction and systematic making the law a sustainable justice system.

Offense or strafbaar feit in Dutch means offense, misdemeanor, criminal act or crime. A person can be considered to have committed a criminal act, if the act is determined by law, in accordance with the principle of legality in Article 1 paragraph (1) of the Criminal Code, provided that no act is criminalized, except for the enactment of criminal provisions in the applicable law, before the act it was done.

A criminal act is an act that is prohibited by a statutory regulation which prohibits this act accompanied by threats (punishments) in the form of certain crimes against anyone who violates this article.²

According to Lamintang, every criminal act in the Criminal Code can generally be divided into 02 (two) categories, namely subjective factors and objective factors. The subjective element is that which is attached to the author or related to the author and includes whatever is in his heart. Objective factors are factors related to the situation, namely the circumstances in which the action of the perpetrator must be carried out.³

B. Types of Criminal Acts

Criminal acts can be classified into several, namely:

1. Referring to the Criminal Code, it is divided into crimes contained in book 2 and offenses contained in book 3

Crime is an act that is contrary to justice regardless of whether the act is threatened by a law or not. A violation is an action that the public only realizes as a criminal act because they have formulated an offense.

2. Formal and material criminal acts

A formal criminal act is a crime that states that in fact the prohibition is formulated to carry out certain actions, if the material is focused on causing a prohibited cause, because whoever causes

² Moeljatno, 2008, *Asas-Asas Hukum Pidana*, PT Rineka Cipta, Jakarta, hlm 59.

³ Lamintang, 1984, *Dasar-Dasar Hukum Pidana Indonesia*, Sinar Baru, Bandung, hlm. 183.

the prohibited cause is someone who must be held accountable.

3. Dolus offenses and Culpa offenses

Dolus requires intentional presence and if the offense of culpa is a person who has been convicted if the mistake is in the form of negligence, for example in article 359 of the Criminal Code, he can be punished if he causes the death of another person due to negligence.

4. Commissionis offense, Omissionis offense and Commissionis per omissionis commissa offense

Commissioner's offenses are offenses that consist of carrying out (committing something) an act that is prohibited by criminal regulations, for example stealing (Article 362), embezzling (Article 372), cheating (Article 378).

An omissionist offense is an offense which consists of not doing something even though you should have done it, for example in Article 164: knowing of an evil conspiracy to commit a crime mentioned in that article, while there is still time to prevent the crime, not immediately reporting it to the authorities or the person affected.

Commissionis peromissionem commissa offense, namely an offense that generally consists of doing something, but can also be committed by not doing it, for example a mother who takes the life of her child by not feeding the child.

5. Single offense and multiple offenses.

A single offense is an offense that can only be committed in one act, while multiple offenses are offenses that qualify as offenses that only occur if the act is committed repeatedly.

6. Continuous offenses and non-continuous offenses.

A continuous offense is a criminal act which has the characteristic that the prohibited condition/act continues continuously. Thus, the criminal act continues continuously, while non-continuous offenses are criminal acts which have the characteristic that the prohibited condition/act does not continue continuously. This type of criminal act will be completed after the prohibited act has been carried out or the consequences have occurred.

7. Report offenses and complaint offenses.

A reporting offense is a criminal offense that does not require a complaint to be prosecuted, while a complaint offense is a criminal offense where prosecution is only carried out if there is a complaint from the affected or injured party/victim. Thus, if there is no complaint, there will be no prosecution for the criminal act.

8. Ordinary offenses and qualified offenses.

An ordinary offense is the simplest form of criminal act, without any aggravating elements, while a qualifying offense is a criminal offense in the basic form which is added with an aggravating element, so that the criminal threat becomes more severe.

C. Legal Consequences of Criminal Actions

Criminal acts can cause harm or misery to other people, namely the victims. Loss and suffering take the form of physical loss, physical suffering, and psychological suffering. Physical damage is the economic loss suffered by victims of crime. Physical suffering is suffering that resides in the body of the victim of a crime. Psychological suffering is suffering related to the psychology of crime victims.

Even if the law stipulates, a person cannot be held criminally liable because it must still be proven that the person is guilty or not. The principle of criminal responsibility is *Actus non facit reum nisi sist rea*, namely innocence if there is no mistake. Error definitions include:

The power to be responsible in the Criminal Code does not provide an explanation of what is meant by the ability to be responsible but only provides a formulation of the ability to act responsibly. The existence of an error in the form of negligence or deliberate action, an act carried out by a person intentionally or negligently will determine the severity of a person's punishment. There is no argument for erasing mistakes, in order to eliminate the unlawful nature of a mistake, meaning an act or action which in reality fulfills the elements of error but is not punished or given the threat of punishment.

CONCLUSION AND SUGGESTION

Every action must have consequences as well as the application of criminal law. There are also those who are the ones who do the deed, that's where they will get rewards in the form of sanctions or not. Some explanations about what crime is and actions and others.

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